

REMARKS

Claims 1-14 are all the claims pending in the application. In light of the new grounds of rejection under 35 U.S.C. § 101 presented in the Examiner's Answer of January 8, 2009, Applicant respectfully requests that prosecution be re-opened. Claims 6-14 are hereby amended in response to the new grounds of rejection.

New Grounds of Rejection under 35 U.S.C. § 101

Claims 6-14 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. This rejection is traversed for at least the following reasons.

Applicant hereby amends claims 6-14 to recite "A computer readable storage medium storing a program to texture a surface in a computer, the program causing the computer to execute the method comprising" Claim 6 and its dependent claims are, therefore, tied to a machine, and transform an article representing a surface.

Moreover, the Board of Patent Appeals and Interferences has reconfirmed in light of In re Bilski, 545 F.3d 943 (Fed. Cir. 2008) (en banc) that claims such as amended claim 7, or "Beauregard claims," remain statutory: "It has been the practice for a number of years that a "Beauregard Claim" of this nature be considered statutory at the USPTO as a product claim. (MPEP 2105.01, I)." Ex Parte Bo Li, Appeal No. 2008-1213 (Bd. Pat. App. & Int. November 6, 2008).

Thus, amended claims 6-14 are directed to statutory subject matter. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim Rejection under 35 U.S.C. § 112

Claims 1-14 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is traversed for at least the following reasons.

Applicant hereby incorporates by reference Applicant's previous remarks as set forth on pages 9-16 of the Appeal Brief of January 22, 2008, and page 4 of the Reply Brief of April 18, 2008. For at least the reasons extensively set forth therein, Applicant submits that claims 1-14 are fully supported by the original disclosure. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Alan J. Kasper/

Alan J. Kasper
Registration No. 25,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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